IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

LA.App..No. 1044 of 2001(A)

LAR.70/1998 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENT: CLAIMANT

V.PACHARKUTTY VALIYIL HOUSE,
ERANHIKKAL P.O., PUTHUR DESOM,
ELATHUR VILLAGE, KOZHIKODE DT.

BY ADV. SRI.V.V.SURENDRAN

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. 1044 OF 2001

Dated: September 19, 2007

JUDGMENT

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in LAR 70/1998 on the file of the Sub Court, Kozhikode. It is seen that the relied on judgment in LAR 518/1997 has become final by the judgment in LAA 363/2000. Therefore it is not necessary to go into the merits of the case. However, it is seen that there is a mistake committed by the Reference Court in granting sec.23(1A) benefit. Since the entitlement is only tIl the earlier date between the date of the award and taking possession, it is made clear that the claimant will be entitled to sec.23(1A) benefit only upto 30.11.1997 i.e. the date of taking possession, being the earlier date.

The appeal is partly allowed. The judgment and decree will stand modified to the above extent.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. No.1044 of 2001

JUDGMENT

19.9.2007